

Index File

Application No. UP-676-05

Mid-Atlantic Tower Development, LLC

Application No. UP-676-05 is a request for a Special Use Permit to authorize a 198-foot freestanding, monopole, communications tower with associated ground-mounted equipment within a leased area on a portion of the property of Seaford Baptist Church.

The subject parcel is located at 1311 Seaford Road (Route 622).

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Site plans (3)
4. Photo simulations (3) Proposed
5. Proposed Resolution No. PC05-33

COUNTY OF YORK

MEMORANDUM

DATE: August 1, 2005 (PC Mtg. 8/10/05)
TO: York County Planning Commission
FROM: Earl W. Anderson, Planner
SUBJECT: Application No. UP-676-05, Mid-Atlantic Tower Development, LLC

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize a 198-foot freestanding communications tower with associated ground-mounted equipment within a leased area on a portion of the property of Seaford Baptist Church. The subject parcel is located at 1311 Seaford Road (Route 622) and is further identified as Assessor's Parcel No. 25-311.

DESCRIPTION

- Property Owner: Seaford Baptist Church
- Location: 1311 Seaford Road (Route 622)
- Area: Approximately 4900 sq. ft. of a 16.07 acre parcel (not including access road)
- Frontage: Approximately 815 feet on Seaford Road
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Church with parsonage
- Surrounding Development:
 - North: Single family dwelling along Clark Lane (private road)
 - East: Single family dwellings along Lewis Drive (Route 628) and one dwelling on Seaford Road
 - South: Single family dwelling across Seaford Road; Robanna Shores and Chisman Landing subdivisions
 - West: Two single-family residences and Seaford Elementary School

- Proposed Development: 198' freestanding communications tower with associated ground-mounted equipment

BACKGROUND

In September 2002 the Board of Supervisors approved a Special Use Permit to authorize a 198-foot freestanding communications tower with associated ground mounted equipment within a leased area on a portion of the property of Seaford Baptist Church. However, no further action was taken to begin construction, which would have established the use. Therefore, as stated under Section 24.1-115 (c)(1) of the Zoning Ordinance, "...failure to establish the special use authorized by the permit within two (2) years from the date of approval by the board shall cause the permit to terminate automatically." The only site change from the previous application is the access will no longer be from Walkin Lane or the western side of the Church's parking lot, but will come from the eastern side of the parking area.

CONSIDERATIONS/CONCLUSIONS

1. The proposed tower facility, to be contained within a 4900-square foot lease area, consists of a 198-foot monopole, equipment pads with associated equipment cabinets, an ice bridge connecting the monopole and equipment pad, and a meter board near the entrance to the facility. The facility is to be surrounded by a 7-foot high chain link fence with a 12-foot wide gate at its entrance. A 12-foot wide gravel driveway is proposed connecting the fenced area to the rear of the church parking lot. The driveway is to be located within an ingress/egress easement traversing the northeastern side of the church parking lot and connecting to Seaford Road at the church's eastern entrance. The proposed tower facility would be located to the rear of and approximately 190 feet distant from the existing church building and 648 feet from the edge of pavement of Seaford Road (measured from the boundary of the facility's lease area). The closest dwelling is located approximately 350 feet from the facility. The proposed facility would be located within an area of the parcel that is heavily wooded with a combination of mature evergreen and deciduous trees.
2. Other than the church and parsonage, the proposed lease site is surrounded by single-family dwellings and Seaford Elementary School. The Robanna Shores and Chisman Landing single-family residential subdivisions are located beyond Seaford Road to the south of the church property. The subject parcel and surrounding properties are zoned RR (Rural Residential), with the exception of the elementary school, which is zoned RC (Resource Conservation). The application area and surrounding properties are located within land designated as a Chesapeake Bay Resource Management Area (RMA). The applicant's sketch plan indicates a portion of the church property to the north of the application (lease) area as Resource Protection Area (RPA), associated with a tributary of Chisman Creek. The lease area is shown to be outside of the area designated RPA. The Comprehensive Plan designates this area as Low-Density Residential.

3. The previous application indicated that existing PCS service in the Seaford area is currently limited to the Route 17 corridor and west of Goodwin Neck Road. Based on customer demand, expanded coverage is needed for residential areas from Goodwin Neck Road in the west to Dandy and York Point/Cabin Creek in the east and south to the Dare area. Existing structures were considered, such as the monopole at Seaford Fire Station on Back Creek Road; however, no suitable sites were found that would provide required service to the noted areas. The applicant has therefore submitted this request for a new monopole. The applicant's proposed tower would be a co-location site with space for five wireless communications providers.
4. The Federal Aviation Administration (FAA) will analyze the proposed tower to ensure that it will not infringe on air traffic flight patterns. If the FAA requires a permit for the construction of the tower, the applicant will need to provide evidence of FAA approval prior to the County's final approval for construction of the tower. A condition to this effect is included as part of the approving resolution. The proposed tower will not penetrate any of the air space protected by the provisions of the County's Airport Safety Overlay District.
5. As a condition of approval, the applicant will be required to submit a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower will not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. Although the Telecommunications Act of 1996 did not preempt local zoning authority, localities are somewhat constrained in their ability to deny or delay requests for towers. Such decisions may be enjoined or overturned by the FCC or federal courts if the intent or the effect of the decision is to discriminate between types of communications service providers. They can also be overturned if the decision is not reached within a reasonable period of time, if the denial is unreasonable, or if the denial is based on public health concerns relating to radio frequency emissions. Additionally, the Act places an obligation upon localities to assist the telecommunications providers in finding a facility somewhere within the footprint (coverage area).

RECOMMENDATION

Utilities Strategy 3.1 of the Comprehensive Plan discourages location of telecommunications towers in residential neighborhoods "unless there is no other practical option." The applicant has indicated that alternative locations with existing support structures were considered in establishing facilities to meet the need for expanded wireless coverage in the Seaford area. However, as there were no existing facilities available that satisfied coverage criteria, a new monopole facility at the proposed location was deemed necessary to meet customer demand for services. In cases where location of such facilities in residential areas is unavoidable, a balance between community aesthetic goals and the wireless industry requirements must be achieved.

Utilities Strategy 3.5 further states that such structures “should blend into the surrounding environment when possible.” The proposed tower is to be located in the immediate area of two nonresidential uses, namely, the existing church and elementary school. The tower is proposed in an area of relatively sparse residential development, and the nearest dwelling is located approximately 350 feet from the site. The facility’s obtrusiveness will be reduced somewhat given the location of the facility to the rear of the existing church and within an area that is heavily wooded.

Although such structures may not be appropriate elsewhere in the County’s residential areas, staff believes that the particular characteristics of the proposed tower site can afford the opportunity to expand telecommunications coverage without sacrificing aesthetic goals. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC05-33.

Attachments

- Zoning Map
- Site Plan (3)
- Photo-simulations of Proposed Tower (3)
- Proposed Resolution No. PC05-33

EWA

APPLICANT

Mid-atlantic Tower Development, LLC

To authorize a 198-foot self-supporting telecommunications tower
on the property of Seaford Baptist Church

1311 SEAFORD RD

ZONING MAP

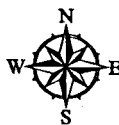
APPLICATION NUMBER: UP-676-05



* = Conditional Zoning

0 275 550 1,100 Feet

Printed on July 11, 2005

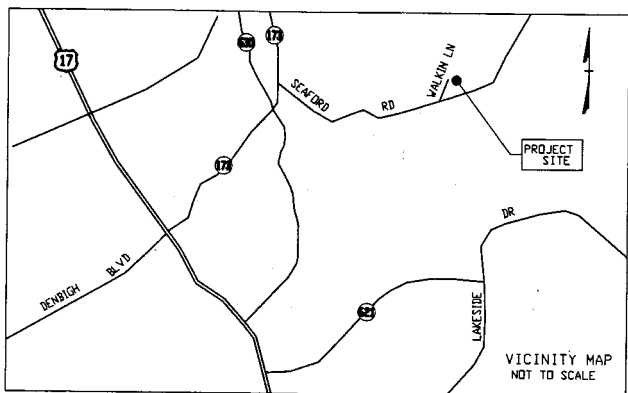
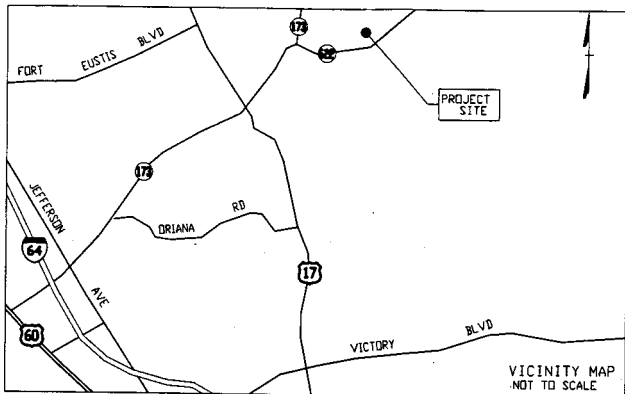


LIBRARY TILE NUMBER:

Lr012

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.



FROM RICHMOND TAKE I-64 EAST TOWARDS NEWPORT NEWS TAKE VA-105/FORT EUSTIS BLVD EXIT TOWARDS YORKTOWN. TURN RIGHT ON US-17 HEADING SOUTH. TURN LEFT ON VA-173 WHICH BECOMES GOODWIN NECK ROAD. TURN RIGHT ON ROUTE 622/SEAFORD RD. TAKE A LEFT ONTO WALKIN LANE. SITE IS 700 FT DOWN WALKIN LANE ON THE RIGHT.

MID-ATLANTIC TOWER Development, LLC

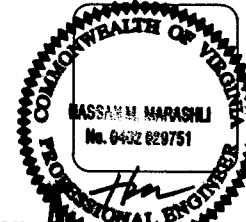
TELECOMMUNICATIONS FACILITY
SEAFORD
1311 SEAFORD ROAD
SEAFORD, VIRGINIA

PROPOSED SITE PLAN FOR A
PROPOSED TELECOMMUNICATIONS SITE
SITE NAME: SEAFORD
SITE TO BE DEVELOPED ON THE PROPERTY OF SEAFORD BAPTIST CHURCH
LOCATED IN GRAFTON DISTRICT, YORK COUNTY, VIRGINIA
MAP ID # 25-00-00-311

NOTE: THIS PROPOSED SITE
PLAN IS FOR INFORMATIONAL
PURPOSES ONLY AND DOES
NOT REPRESENT A VALID
BOUNDARY OR TOPOGRAPHICAL
SURVEY. FURTHERMORE, DATA
USED IN THE COMPILATION OF
THIS PLAN HAS NOT BEEN
VARIFIED IN THE FIELD OR IN
THE PUBLIC RECORDS OF
YORK COUNTY, VIRGINIA.

entrex
communication services, Inc.
1578 Eye Street, N.W. Suite 350
WASHINGTON, D.C. 20005
PHONE: (202) 404-0000
FAX: (202) 404-0001

SEAL



**MID-ATLANTIC TOWER
Development, LLC**

3874 Old Stage Road
Waterford, Virginia 20197
202 651-0000

APPROVALS

MID-ATLANTIC TOWER
CONSTRUCTION

DATE

MID-ATLANTIC TOWER
ACQUISITION

DATE

OWNER

DATE

SUBMITTALS

NO.	DATE	ISSUE
07-27-05		REVIEW

PROJECT NAME

TELECOMMUNICATIONS
FACILITY
SEAFORD
1311 SEAFORD ROAD
SEAFORD, VA 23696

SHEET TITLE

EXISTING TOPOGRAPHY

DATE: 07/27/2005

SCALE: N/A

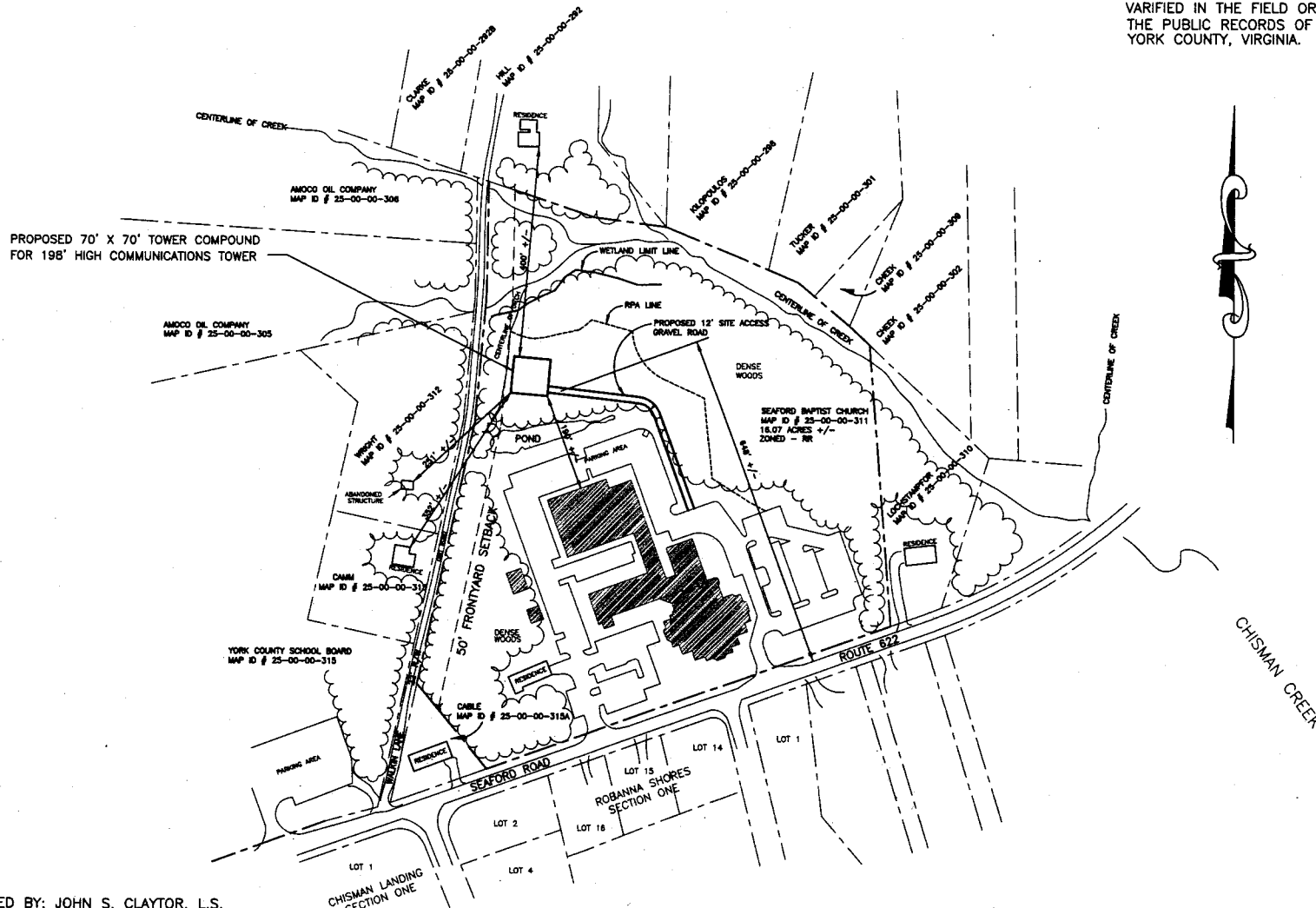
DESIGNED: M.M.

CHECKED: M.M.

DRAWN: F.Y.

SHEET NO:

C-1



PREPARED BY: JOHN S. CLAYTOR, L.S.
SEPTEMBER 6, 2001
REVISED TO SHOW WETLANDS, SEPTEMBER 28, 2001
REVISED COMPOUND POSITION, OCTOBER 9, 2001

200 100 0 200 400 FT

SCALE: 1"=100'

REDUCED

WALKIN LN

NMS-5051E
260.00'

BENCHMARK 62
RAILROAD SPIKE
SET IN 2" POPULAR
ELEV. = 76.94'

60' FRONTIARD SETBACK

EX. 18" RCP
INV. OUT -7.66

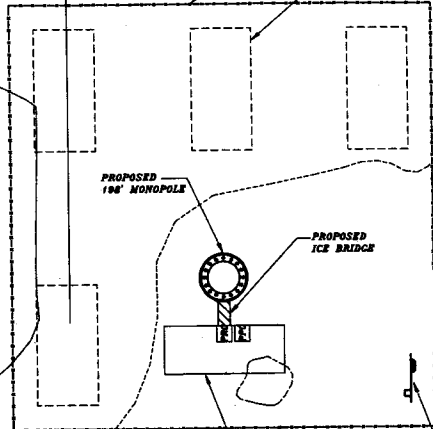
EX. DRAINAGE
PIES

EX. RCP
R.P.P.

POND DRAINAGE AREA

WOODS

WOODS



PROPOSED
100' MONOPOLE

PROPOSED
ICE BRIDGE

PROPOSED 12' GATE

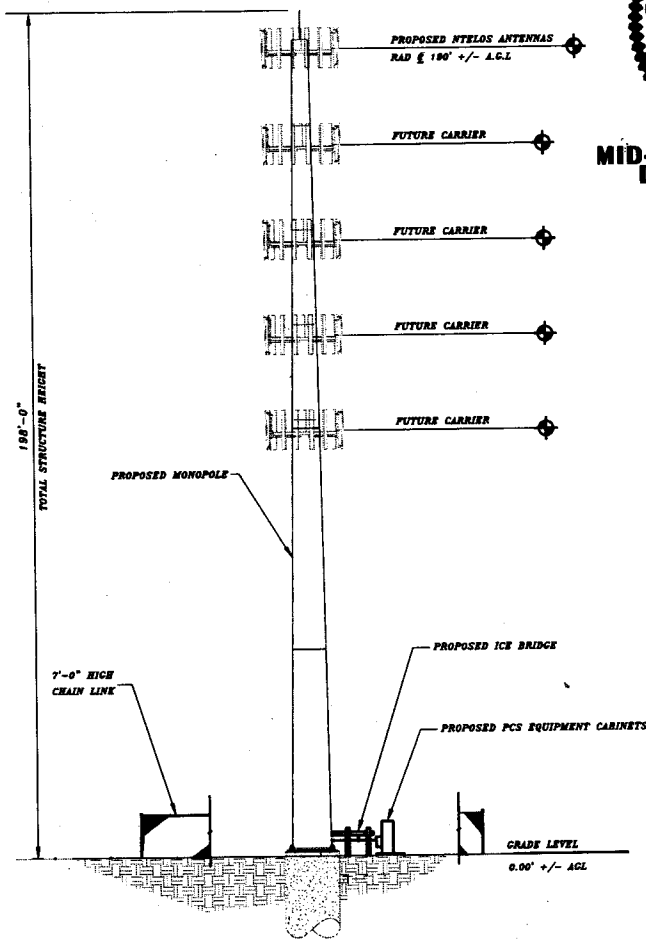
12' GRAVEL ACCESS ROAD

PROPOSED METER BOARD

PROPOSED 8' x 20'
NTELOS EQUIPMENT PAD

20 10 0 20 40
SCALE: 1"=10'
REDUCED

COMPOUND PLAN
SCALE: 1"=10'



190'-0"
TOTAL STRUCTURE HEIGHT

7'-0" HIGH
CHAIN LINE

PROPOSED NTELOS ANTENNAS
RAD ± 190' +/- A.G.L.

FUTURE CARRIER

FUTURE CARRIER

FUTURE CARRIER

FUTURE CARRIER

FUTURE CARRIER

PROPOSED ICE BRIDGE

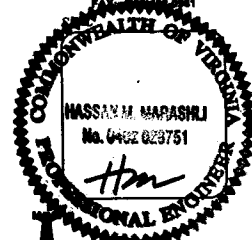
PROPOSED PCS EQUIPMENT CABINETS

GRADE LEVEL
0.00' +/- AGL

TOWER ELEVATION
SCALE: NOT TO SCALE

2
A-1

entrex
communication services, inc.
1575 Eye Street, N.W. Suite 350
WASHINGTON, D.C. 20005
PHONE: (202) 465-2500
FAX: (202) 465-2501



**MID-ATLANTIC TOWER
Development, LLC**

3974 Old Stage Road
Waterford, Virginia 20197
(301) 651-8400

APPROVALS

MID-ATLANTIC TOWER
CONSTRUCTION

DATE _____
MID-ATLANTIC TOWER
ACQUISITION
DATE _____
OWNER _____
DATE _____

SUBMITTALS

NO.	DATE	ISSUE
07-27-05	REVIEW	

PROJECT NAME

TELECOMMUNICATIONS
FACILITY
SEAFORD
1311 SEAFORD ROAD
SEAFORD, VA 23696

SHEET TITLE

COMPOUND PLAN AND
TOWER ELEVATION

DATE: 07/27/2005
SCALE: N/A
DESIGNED: M.M.
CHECKED: M.B.
DRAWN: F.Y.

SHEET NO:
A-1



View from South of Seaford Road near intersection of Willis Circle and Robanna Drive, facing north.



View from Seaford Road on the bridge crossing Chisman Creek, facing northwest.



View looking south from Clark Lane.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A 198-FOOT SELF-SUPPORTING COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT WITHIN A LEASED AREA LOCATED ON A PORTION OF THE PROPERTY OF SEAFORD BAPTIST CHURCH, LOCATED AT 1311 SEAFORD ROAD

WHEREAS, Mid-Atlantic Tower Development, LLC has submitted Application No. UP-676-05, which requests a special use permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize construction of a 198-foot freestanding communications tower with associated equipment on a portion of the parcel located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the _____ day of _____, 2005 that Application No. UP-676-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a 198-foot freestanding communications tower with associated equipment on a portion of the parcel located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding communications tower with associated equipment on a portion of the 16.07-acre parcel of land located at 1311 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-311 (GPIN T08A-2488-3337).
2. The height of the tower shall not exceed 198 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Mid-Atlantic Tower Development, LLC; Telecommunications Facility; Seaford; 1311 Seaford Road, Seaford, Virginia;" Sheets 1 – 3; dated 05/31/05, prepared by Johnson, Merriman & Thompson Engineering, received by the Planning Division June 30, 2005. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated

capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

7. Alternative access to the site via Walkin Lane may be permitted provided that prior to site plan approval and satisfactory to the Zoning Administrator and County Attorney, documentation is submitted to the County verifying lawful authority of the property owner and the applicant as their lessee to use the Walkin Road right-of-way for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evergreen planting material shall be installed for screening as deemed necessary by the Zoning Administrator pursuant to Section 24.1-240 et. seq.
11. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
12. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
13. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.

14. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County. To facilitate screening of the facility, green netting of a type and materials acceptable to the Zoning Administrator shall be installed on the fence surrounding the facility.
15. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
16. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
17. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.